

VIA HAND DELIVERY JUNE 25, 2003

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hastings and Rosen

Application No.: 09/037,460

Filed: March 10, 1998

For: Human Vascular IBP-Like Growth Factor  
Polynucleotides (as amended)

Attorney Docket: PF147D1

Group Art Unit: 1647

Examiner: Saoud, C.

#44  
B4J  
7/16/03  
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**REPLY UNDER 37 C.F.R. § 1.111**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Communication mailed March 25, 2003 (Paper No. 42), please enter and consider the following remarks. Applicants submit concurrently herewith a Fee Transmittal Sheet (in duplicate) with appropriate fee and Exhibits A-C.

Claims 54-67, 75-92, 102-107, 115-119, and 122-175 are pending in the instant application.

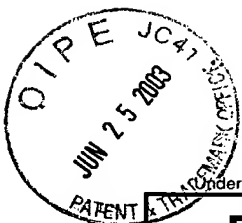
**I. Interview**

Applicants wish to thank Examiners Saoud and Stanton for the opportunity to discuss the asserted utilities with regard to the Aitkenhead and Bechard references on May 27, 2003.

**II. Rejection of Claims Under 35 U.S.C. § 101**

Claims 54-67, 75-92, 102-107, 115-119, and 122-175 have been rejected under 35 U.S.C. § 101. In particular, the Examiner states:

[t]he claimed invention is drawn to an invention with no apparent or disclosed specific and substantial credible utility for the reasons of record in paper #20, 24, 31 and 35. The instant application has provided a description of an isolated DNA encoding a protein and



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# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

## Complete if Known

Application Number 09/037,460-Conf. #7163  
Filing Date March 10, 1998  
First Named Inventor Gregg A. Hastings  
Examiner Name C. Saoud  
Art Unit 1647  
Attorney Docket No. PF147D1

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## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit  
Account  
Number

08-3425

Deposit  
Account  
Name

Human Genome Sciences, Inc.

The Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 0.00

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$ ) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below		Fee Paid
Total Claims	97	-98** =		x	0.00
Independent Claims	18	-19** =		x	0.00
Multiple Dependent					

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ ) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## SUBMITTED BY

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Registration No.  
(Attorney/Agent)

45,414

## Complete (if applicable)

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Signature

*Lin J. Hymel*

Date

June 25, 2003

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